

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 16 October 2012
Planning Application Report of the Planning and Development Manager

Application address: 19 Abbots Way SO17 1NW			
Proposed development: <u>12/00131/FUL</u> Erection Of A Two-Storey, 5-Bed Replacement Dwelling House With Associated Parking And Cycle/Refuse Storage, Following Demolition Of Existing House (Submitted In Conjunction With 12/00132/CAC)			
<u>12/00132/CAC</u> Conservation area consent sought for demolition of existing dwelling (submitted in conjunction with 12/00131/FUL)			
Application number	12/00131/FUL & 12/00132/CAC	Application type	FUL
Case officer	Bryony Stala	Public speaking time	5 minutes
Last date for determination:	17.08.2012	Ward	Portswood
Reason for Panel Referral:	Referred by Planning and Development Manager due to wider public interest.	Ward Councillors	Clr Vinson Clr Claisse Clr Norris
Applicant: Mr Nick Prodromou		Agent: A&B Design	
Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to : <ul style="list-style-type: none"> • The completion of a Bat Emergence survey to be carried out to establish whether the house supports any bat roosts. • If bat roosts are present and it is considered acceptable to relocate the bats, then to impose relevant conditions on the approved development to ensure suitable mitigation measures are in place 		

Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Nor would it harm the character and appearance of the Conservation Area and other material considerations (residential amenity and ecology) do not have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, HE1 and HE2 of the City of Southampton Local Plan Review (March 2006) and CS13 and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Reason for granting Planning Permission (Conservation Area Consent)

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The demolition of the existing dwelling is not considered to be detrimental to the character and appearance of the Portswood Residents

Gardens Conservation Area and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Town and Country Planning Act 2004 (as amended), Planning permission should therefore be granted.

Policies - HE2 of the City of Southampton Local Plan Review (March 2006) and CS14 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Delegate to Planning and Development Manager to grant (a) planning permission and (b) grant Conservation Area Consent subject to

- The completion of a Bat Emergence survey to be carried out to establish whether the house supports any bat roosts.
- If bat roosts are present and it is considered acceptable to relocate the bats, then to impose relevant conditions on the approved development to ensure suitable mitigation measures are in place.

1. The site and its context

- 1.1 The application site is a large detached two storey dwelling house on the north side of Abbots Way, in close proximity with the junction with Russell Place. The site is regular in shape, is relatively level and has an area of approximately 945sqm.
- 1.2 To the front of the house is a hard surfaced area capable of parking at least two cars off the road with a garage on the south-east boundary. The property was extended in 1987 with a two storey and single storey rear extension with balcony over.
- 1.3 The property suffered fire damage in early 2012 and has not been lived in since this event as it is not habitable.
- 1.4 The site is located within the Portswood Residents' Gardens Conservation Area. As an early example of the Garden City movement, the Conservation Area is characterised by large detached properties set within generous plots. The residents' gardens sit centrally within a mature landscape setting. The properties themselves are all of individual design with soft informal landscaping contributing to the prevailing character of the area as one of a garden city suburb.

2. Proposal

- 2.1 The application seeks planning consent to demolish the existing two storey detached dwelling and replace it with a two storey detached dwelling with accommodation in the roof.
- 2.2 The property dwelling has a floor area of 192sqm, with a rear garden of approximately 127sqm of garden space. To the east of the property is a detached garage and a detached outbuilding/store. The property has previously been extended to incorporate a balcony. This runs the width of the rear elevation.

- 2.3 The proposed replacement dwelling will replicate the existing position of the property on the site, but will have a greater width in order to incorporate an integral double garage. The proposed dwelling has a floor area of 220sqm.
- 2.4 Following a fire in the early part of 2012, the property has been left empty.
- 2.5 A structural report submitted with the application concludes that the building is suffering from fire and smoke damage throughout. The centre of the fire was around the stairwell and this is the most affected area. The stair case is unsafe and needs to be removed. Furthermore, any fire damaged timbers need to be removed and replaced, this includes roof timbers some of which are damp and rotten. Once the roof and floors are removed it may also be necessary for walls to be rebuilt. The report concludes that it is likely to be more economical to demolish and rebuild the property rather than carry out the extensive repairs that are required to make the building structurally sound.
- 2.6 The application site is exempt from the Portswood Residents Garden Article 4 direction.

3.0 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Policy CS14 of the Core Strategy states the Council will safeguard from inappropriate development and, where appropriate, enhance important historical assets and their settings and the character of areas of acknowledged importance including conservation areas.
- 3.3 The Portswood Residents Garden Conservation Area was designated in October 1996 to conserve the special character and appearance of the area. The Portswood Residents Garden Conservation Area Appraisal and Management Plan (here after referred to as the CAAMP) was produced following the adoption of policy CS14 of the Local Development Framework Core Strategy in 2010.

4.0 Relevant Planning History

- 4.1 **10/00932/PREAP1** - Erection of two-storey five bedroom dwelling following demolition of existing dwelling. Closed.
- 4.2 **04/01904/FUL** - Erection of a two storey side extension incorporating a replacement garage and a single storey rear/side conservatory extension. – REF – 11.03.2005.

5.0 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (12.07.2012) and erecting a site notice (05.07.2012). At the time of writing the report 27 representations have been received from surrounding residents.

Planning related objections are summarised below;

12/00131/FUL

- The proposal does not accord with the CAAMP, in particular PRG 2, PRG6 and PRG14 of the Management Plan.
- The proposed house would occupy 50% more than the present on and would give a house to plot ratio of about 23%, well above the local average of 12-14%.
- The size, scale, and modern design of the house is out of keeping with neighbouring dwelling and would appear to be overbearing and an overdevelopment of the site.
- The double frontage doorway, fenestration, and balcony to the rear are out of keeping, contrary to the recommendations of the management plan and harmful to neighbouring dwellings.
- Parking and turning space on the site's frontage will destroy the garden, leading to a loss of greenery which is a feature of the conservation area.
- The proposal is out of keeping in the conservation area.
- The number of bathrooms proposed raises concern that property could be made into a House of Multiple Occupancy.
- The increased width of the house will result in the back door and windows being much closer to the neighbours than at present. This will lead to an increase in noise and disturbance to neighbours.
- A previous extension to the house was refused; this is a material planning consideration.
- Have English Heritage been consulted?
- A request for conditions limiting the working hours if the development is approved.

12/00132/CAC

- The information submitted with the application to justify the demolition of the existing house is an insufficient reason to demolish a house in a Conservation Area.
- If the existing house has been certified as being structurally unsound then it should be rebuilt to the same dimensions as the existing house to conform with the Management Plan and as per 28 Brookvale Road and 11 Abbotts Way.
- One neighbour does not consider the existing house to have any merit within the conservation area, but argues that the proposed house appears to have been designed without any reference to the management plan.
- There is no structural report submitted with the application to determine that the property should be demolished.

5.2 **SCC Heritage** - No objection subject to conditions.

5.3 **SCC Highways** - No response received.

5.4 **SCC Sustainability Team** – No objection.

5.5 **SCC Environmental Health (Pollution & Safety)** - No objection.

5.6 **SCC Environmental Health (Contaminated Land)** - No objection subject to conditions.

5.7 **SCC Ecology** – Objection. Bat emergence surveys needed.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of Development
- Design, Scale and Appearance (Impact on the Conservation Area)
- Residential Amenity
- Sustainability

6.2 Principle of Development

6.2.1 The CAAMP sets out a strategy for preserving and enhancing the conservation area. The policies within the Management Plan seek to ensure that the original layout of properties is respected and that changes to dwellings and their frontages enhance the general look of the area. The CAAMP was subject to public consultation prior to adoption and forms an important material consideration.

6.2.2 19 Abbots Way is exempt from the article 4 direction imposed on a number of properties within the conservation area. The property is newer than others within the Portwood Residents Garden and is not considered to have retained features that are worthy of retention. It is however, subject to the same considerations as other properties in the area under the CAAMP.

6.2.3 The demolition of the existing property is supported provided that in design terms, what is built is better than the existing building that is already there.

6.2.4 The current fire damaged state of the building is not considered relevant in this decision as the structural report submitted suggests that the affected timbers can be replaced while propping up or otherwise supporting the structure. As such, it would seem that demolition is merely the cheapest option rather than a necessary option. In its current state, the property detracts from the character and appearance of the conservation area.

6.2.5 The proposal must therefore be assessed in relation to the effects of the development on the character and appearance of the area having regard to the location of the site within the Portwood Residents' Gardens Conservation Area and impact on neighbouring residential amenity.

6.2.6 A previous refusal for an extension to the property has been considered during the assessment of this application. However, a recent appeal decision relating to the alteration and extension of 3 Abbots Way are also a material planning consideration and must be given due weight in the assessment of this application.

6.3 Design, Scale and Appearance (Impact on the Conservation Area)

6.3.1 The CAAMP acknowledges the special character of the neighbourhood as an early example of the Garden City Movement referring to 'its generous layout in terms of the ratio between open space and buildings'.

- 6.3.2 PRG2 of the CAAMP states that any proposals for an extension to a building must conform to the special characteristic of the Conservation Area which includes the historic layout and pattern of the development, plot ratios, the distances between buildings, and its verdant spaciousness.
- 6.3.3 The current building has a footprint of 192 sqm and occupies 21% of the site. The proposed building has a footprint of 220sqm and will occupy 24% of the site. This leaves 127sqm of private and usable garden space.
- 6.3.4 In a recent appeal decision at 3 Abbots Way, an Inspector found that in relation to the footprint to plot ratio, the ratio of building footprint to open site in terms of coverage, even with the proposed extension in place, would be not excessive. The resultant footprint of the building would be 21.5% of building to plot. The Inspector went on to note that – despite the greater frontage width of the appeal property compared to others within the vicinity - the character and appearance of the street scene would not be unduly compromised. A reasonable gap between buildings would be maintained, preserving the special character of the area in an adequate way. The appeal was allowed.
- 6.3.5 The proposed dwelling retains appropriate spacing between the neighbouring dwellings. 1m to the west elevation and 2.7m to the east is retained between the side elevations of the buildings and boundaries. Similar or lesser gaps are found between the build line and side boundaries of other dwellings within Abbots Way. This combined with the staggered front build line of the property and replication of neighbouring roof forms creates a building that respects the scale and proportions of the neighbouring buildings and therefore the existing pattern of development within Abbots Way.
- 6.3.6 The roof pitch and fenestration provide a modern interpretation of existing features of neighbouring properties 17 and 21 Abbots Way. For example, the use of accommodation within the roof space and a cat slide roof on the side elevation are key design features of both neighbouring properties.
- 6.3.7 There are a number of examples of double garages within the conservation area. It is considered that through the use of appropriately chosen finishing materials and landscaping, it will not appear overly dominant within the street scene.
- 6.3.8 Mature front gardens remain an attractive feature of the Conservation Area. In order to improve the existing frontage of the site, the front hedge will be retained and a landscaped front garden is proposed. The current landscaping shows plants located in pots. This is not considered to be permanent enough to ensure a green frontage. As such, a condition requiring a revised landscaping scheme to be submitted and agreed is imposed.
- 6.3.9 It is the applicant's intention to use a quality handmade brick laid in Flemish bond with weather struck pointing and white casement hardwood frames windows. A quality finish to the building will maintain distinct appearance of the Conservation Area.
- 6.3.10 It is recommended that the final detail of all materials to be used on site, including the final appearance of the front door and garage door is reserved by condition.

6.4 Residential Amenity

- 6.4.1 The building currently has a full two storey height depth of 11m with a further 3m projection for the balcony. The actual depth of the building has not changed. However, the house will now have a full two storey height for a depth of 14m adjacent to 17 Abbots Way. On the eastern side, adjacent to 21 Abbots Way, the depth of the building is the same, however, the roof height drops to single storey level at the eaves in order to incorporate the cat slide roof.
- 6.4.2 The positioning of the first floor rear bay window of 17 Abbots Way will not be adversely affected by the depth of the proposed building. At ground floor level a brick built outbuilding abuts the boundary with 17 and 19 Abbots Way. At first floor level the three sided window, the current side windows face the existing house, and the 45 degree line will not be breached from the rear section of window. This will ensure light and outlook will still be enjoyed from 17 Abbots Way.
- 6.4.3 For the proposed dwelling, habitable room windows at first floor level are concentrated to the front and rear elevations to ensure no overlooking or loss of privacy to neighbouring dwellings.
- 6.4.4 Sufficient light and outlook is afforded to all habitable rooms.
- 6.4.5 The proposed rear balcony is significantly smaller than the existing balcony. In addition, it has been designed to be enclosed on either side. This prevents overlooking to neighbouring dwellings and thus protects privacy.
- 6.4.6 The internal layout and number of bathrooms within a domestic dwelling are not a planning consideration. Should the applicant seek to change the residential use of the building; further planning permission will be required.
- 6.4.7 Neighbours concerns regarding the use of the property as a House of Multiple Occupation are noted. At present, the applicant has advised the council that they have no intention of using the property as a House of Multiple occupation. Should they wish to use the property for such a use, planning consent would be required and the appropriate consideration would need to be given to it at that time.
- 6.4.8 Sufficient parking to serve a single dwelling house can be provided on site.
- 6.4.9 It must be noted that the property is not listed or locally listed. As such, there is no statutory requirement to notify English Heritage of the proposed development.

6.5 Sustainability

- 6.5.1 Detailed information has been submitted to show that the development has been designed to meet Code Level 4 and this is welcome. High fabric specifications have been used to meet the energy requirements and this approach is likely to be more compatible with a Conservation Area (as opposed to use of visible renewables).

7.0 Summary

- 7.1 The proposal makes good use of the site to provide a house that is designed to

respond to the established character and spatial characteristics of the conservation area.

7.2 It is considered that the benefits of replacing the existing building with a high quality design and finish justifies the re-development of the site.

8.0 Conclusion

8.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a), (b), (c), (d), 2 (b), (d), 4 (f), (vv) 6 (c), (i), 7 (a)

BS for 16.10.2012 PROW Panel

PLANNING CONDITIONS

12/00131/FUL

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

03. APPROVAL CONDITION - Details & samples of building materials to be used [Pre-Commencement Condition]

No development works shall be carried out unless and until a detailed schedule of materials and finishes including samples (if required by the LPA) to be used for external walls, windows, doors (including the front door and garage door) and the roof of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, panel tints, stained weatherboarding, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

04. APPROVAL CONDITION - No other windows or doors other than approved [Performance Condition]

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties.

05. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a revised and detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate. The planting should be made in soil beds and not plant pots;
- iii. details of any proposed boundary treatment, including retaining walls if relevant; and
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

06. APPROVAL CONDITION - Code for Sustainable Homes Residential Development [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 4 of the Code for Sustainable Homes, shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a legitimate Code For Sustainable Homes certification body.

REASON:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

07. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

12/00132/CAC

1. APPROVAL CONDITION - Conservation Area Commencement Period Condition

The works to which this Conservation Area consent relates must be begun not later than three years beginning with the date on which this consent is granted.

Reason:

To conform to the requirements of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. APPROVAL CONDITION - Demolition - Dust Suppression [Pre-Commencement Condition]

Measures to provide satisfactory suppression of dust during the demolition works to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The agreed suppression methodology shall then be implemented during the demolition period.

Reason:

To protect the amenities of users of the surrounding area.

3. APPROVAL CONDITION - Bonfires [Performance Condition]

No bonfires are to be allowed on site during the period of demolition, clearance and construction.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

4. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

5. PERFORMANCE CONDITION - Implementation with 12/00131/FUL.

The works authorised by this consent shall be carried out as an integral part of implementing planning permission 12/00131/FUL.

Reason:

To preserve the character and appearance of the Portwood Residents Gardens Conservation Area.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS14	Historic Environment
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP9	Scale, Massing & Appearance
SDP12	Landscape & Biodiversity
HE1	New Development in Conservation Areas
HE2	Demolition in Conservation Areas
H2	Previously Developed Land

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

National Planning Policy Framework

Relevant Planning History

19 Abbots Way

04/01904/FUL - Erection of a two storey side extension incorporating a replacement garage and a single storey rear/side conservatory extension. – REF – 11.03.2005.

Reasons for Refusal

1. The proposed development comprising of an extension to the dwelling house disproportionately increases the size of the dwelling house resulting in an extended building which by virtue of its footprint, overall site coverage and its proximity to the side boundary of the site as well as its overall size, massing and bulk created by the two-storey side extension represents an over-development of the site that is overly dominant to the surrounding residential environment and would harm the character and appearance of the Portswood Resident's Gardens Conservation Area, contrary to policies GP1 (i) and (iii), ENV3 (iii) and (iv), C1 and C2 of the City of Southampton Local Plan 1991 and policies SDP1 (i) and (ii), SDP6 (i), (ii), (iv), SDP7 (ii), (iii), and (iv), SDP9 (ii), (iv), and (v), HE1 (i) and HE2 (i) and (ii) of the City of Southampton Local Plan Revised Deposit Version 2003.
2. The proposed design and external alterations to the appearance of this residential dwelling house within the Portswood Resident's Gardens Conservation Area is inappropriate and harmful to the street scene within the Conservation Area. As such the development would be contrary to Policies GP1 (i) and (iii), ENV3 (iii) and (iv), C1 and C2 of the City of Southampton Local Plan 1991 and policies SDP1 (i) and (ii), SDP6 (i), (ii), (iv), SDP7 (ii), (iii), and (iv), SDP9 (ii), (iv), and (v), HE1 (i) and HE2 (i) and (ii) of the City of Southampton Local Plan Revised Deposit Version 2003.
3. The proposed development results in a building of significant width and height across the whole plot frontage leading to a building with an oppressive and unduly overbearing impact in respect of the relationship to the adjacent property, number 21 Abbots Way to the harm of the amenities and setting of the neighbouring property. This would be contrary to policies GP1 (i), (iii), ENV3 (iii), (iv), C1 and C2 of the City of Southampton Local Plan 1991 and policies SDP1 (i), (ii), SDP7 (i), (ii), (iii), (iv), (v), SDP9 (ii), (iv), HE1 (i) and HE2 (i), (ii) of the City of Southampton Local Plan Revised Deposit Version 2003.



Appeal Decision

Site visit made on 25 June 2012

by David Harmston FRICS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2012

Appeal Ref: APP/D1780/A/12/2171564

3 Abbots Way, Southampton SO17 1QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Local Planning Authority to give notice of its decision within the appropriate period on an application for planning permission.
 - The appeal is made by Mr S Ahmed against Southampton City Council.
 - The application (Ref 11/02039/FUL) was dated 22 December 2011.
 - The development proposed is the erection of a two-storey side extension and a rear first floor balcony (Re-submission of 11/00553/FUL).
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Application for Costs

1. An application for a full award of costs has been made by the appellant against Southampton City Council. This is subject to a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension and a rear first-floor balcony (Re-submission of 11/00553/FUL) at 3 Abbots Way, Southampton SO17 1QU in accordance with the terms of the application (Ref 11/02039/FUL), dated 22 December 2011, subject to the following conditions:
 - (1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved drawings – Nos:- C10/99.01A; C10/99.02A; C10/99.03A; C10/99.04A; C10/99.05A; C10/99.06A; C10/99.07A; C10/99.08A; C10/99.09A; C10/99.10A; C10/99.11A; C10/99.12A and C10/99.13A.
 - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no additional windows, dormer windows or other openings shall be formed in the extension hereby permitted.

- (5) No building operations, site clearance or demolition of the existing building shall take place on the site otherwise than between 0800 hours and 1800 hours on Mondays to Fridays, 0800 hours and 1300 hours on Saturdays and at no time on Sundays or Bank and Public holidays.

Procedural Matters

3. The appeal is made against the failure of the Local Planning Authority to give notice of its decision within the appropriate period. Had it been in a position to do so, the Council would have refused planning permission for the proposals for the following reasons:
 1. The proposed extension to an already significantly extended property within the Portswood Residents' Gardens Conservation Area would erode the spatial and verdant character of this section of Abbots Way and result in a building with a greater plot coverage than is characteristic of (*sic*) the immediate area surrounding the site. The proposal therefore fails to preserve or enhance the established character of the Conservation Area contrary to Policy PRG2 of the Portswood Residents' Gardens Conservation Area Appraisal and Management Plan; Policies SDP7 (iii) and (iv) and HE1 (i) of the City of Southampton Local Plan Review 2006 and Policy CS14 of the LDF Core Strategy (January 2010).
 2. The proposed extension would erode the existing separation between the dwelling and habitable room windows in the flank wall of 5 Abbots Way. The remaining separation would be less than 12.5m as advised by paragraphs 2.2.7 and 2.2.8 of the Residential Design Guide (September 2006) and would result in an increased sense of enclosure to occupiers of those habitable rooms to the detriment of the amenity currently enjoyed by them. As such the proposal would be contrary to Policies SDP1 (i), SDP7 (iii) and (iv), SDP9 (i and v) and H2 (iii) of the City of Southampton Local Plan Review (March 2006) and Policy CS13 (1 and 11) of the LDF Core Strategy (January 2010).
4. In reaching my conclusions on this matter, I have taken account of the recently published National Planning Policy Framework. The Local Plan was adopted in March 2006 and the Local Development Framework (LDF) Core Strategy in January 2010. As such the local policy context is relatively up to date. Moreover, none of the relevant development plan policies are inconsistent with the Framework. Therefore, and whilst the policies in the Framework have been considered, in the light of the facts of this case, they do not alter my overall conclusions on this matter.

Main Issues

5. There are two main issues in this appeal. These are, firstly; the effects of the development on the character and appearance of the area having regard to the location of the site within the Portswood Residents' Gardens Conservation Area and, secondly; the effect of the development on the living conditions of the occupants of No 5 Abbots Way arising from any undue overpowering impact or an unacceptable loss of daylight or outlook.

Reasons

6. The proposal is to alter and extend this substantial detached dwellinghouse to its south-eastern side by the erection of a two-storey extension. The proposals also include the formation of a balcony at first floor level to the rear of the property. This element of the development is considered to be acceptable by the Council and having seen the site and assessed the impact of this alteration I agree with this conclusion and consider that matter no further.
7. The *Appraisal and Management Plan* for the Portswood Residents' Gardens Conservation Area describes the area as a unique feature within Southampton consisting of a planned residential estate with two key elements. These are, firstly, the individually designed family houses, built mainly between 1908 and 1930. Secondly is the presence of two residents' gardens; one laid out as a formal garden with an Edwardian Pavilion and tennis courts and the other as a Meadow with allotments, a stream and a copse.
8. The *Character Appraisal of the Area (1999)* acknowledges the special character of the neighbourhood as an early example of the Garden City Movement referring to '*its generous layout in terms of the ratio between open space and buildings*'. Of particular relevance to this appeal is Policy PRG2 of the Appraisal. Amongst other matters, this states that any proposals for an extension to a building must conform with the special characteristics of the Conservation Area which include the historic layout and pattern of the development, plot ratios, the distances between buildings and its verdant spaciousness.
9. These are important considerations of direct relevance to this appeal attracting substantial weight in the planning balance. Further, any development within the Conservation Area must serve to preserve or enhance its character or appearance. The proposed side extension to the appeal property has been designed in a way that would minimise its impact on the appearance and spaciousness of the streetscene by retaining a gap of about four metres between the side of the extension and the boundary with No 5 Abbots Way. With its hipped roof configuration sloping away from the boundary and its lower ridge height than that of the main house I consider it to be subservient in scale and character to the host dwelling.
10. Criticism has been made of the scheme because it would represent a further incremental increase in the size of the building which has been extended and altered in various ways in the past. However, the size of the plot and its frontage width are large compared to many properties on the estate as a whole and the ratio of building footprint to open site in terms of coverage, even with the extension in place, would not be excessive, in my conclusion. Along the frontage to Abbots Way distances between the flank sides of buildings vary considerably. The size of the undeveloped gap currently existing between Nos 3 and 5 is unusual and greater than is present in other locations, particularly those separating the buildings on the opposite side of the road.
11. The residual measure of separation between the opposing flank walls of the adjacent houses that would be created with the extension in place would be

consistent with, or more than, that present in many other locations. Despite the greater frontage width of the appeal property compared to others within the vicinity, the character and appearance of the streetscene would not be unduly compromised. A reasonable gap between buildings would be maintained, preserving the special character of the area in an adequate way.

12. The side elevation of the extension would not be in the form of a full two-storey gable end but, with its sloping roof format, would be less harsh and intrusive than would otherwise be the case whilst maintaining an acceptable measure of spaciousness between the adjacent buildings as perceived when the developed site were viewed in the streetscene.
13. For all these reasons, and on the first main issue, I conclude that the development would be neutral in terms of its effect on the preservation or enhancement of the character or appearance of the Conservation Area and such change in the perception of the site both from the street as well as the adjoining property would not be the cause of any unacceptable harm. The development would therefore meet the tests of Policy PRG2 of the Appraisal as well as the relevant policies of the development plan as set out in the Council's intended decision notice.
14. On the second main issue, Paragraph 2.2.7 of the Council's *Residential Design Guide* states that the separation distances between windows of habitable rooms and the side (gable end) wall of another house or building should be 12.5-metres in the case of a two-storey house to the side wall of a two-storey building. In this instance the wall in question would not be a gable-end to a two-storey building but one where the slope of the cat-slide roof above the ground floor would be away from the boundary reducing the impact on the adjoining property by a significant extent. The distance between the windows in the side elevation of No 5 Abbots Way and the flank wall of the proposed extension would be significantly greater than four metres and a garage is present in a position close to the boundary and between the two properties. The separating distance between buildings increases above the ground floor level of the extension with the backward slope of the roof.
15. Therefore, as the proposed extension would not constitute a full two-storey element with a gable-end to a pitched roof above, I do not consider that this aspect of the proposal would be in breach of the Council's guidelines in this respect. In my conclusion the extension would be sufficiently well removed from the side elevation and rear garden of No 5 Abbots Way to avoid the creation of any undue harm to the living conditions of the occupants of that property. Together with the other features of the development, such as the height of the eaves, the sloping roof would be in a position well enough away from the boundary with the adjoining house to minimise its impact in terms of any undue overshadowing, loss of light or overbearing impact to the extent that I conclude that the development is acceptable on this issue.
16. On both main issues, therefore, I consider the development to be acceptable and in compliance with the provisions of Policies SDP1 (i), SDP7 (iii) and (iv), SDP9 (i) and (v), H2 (iii) and HE1 (i) of the City of Southampton Local Plan

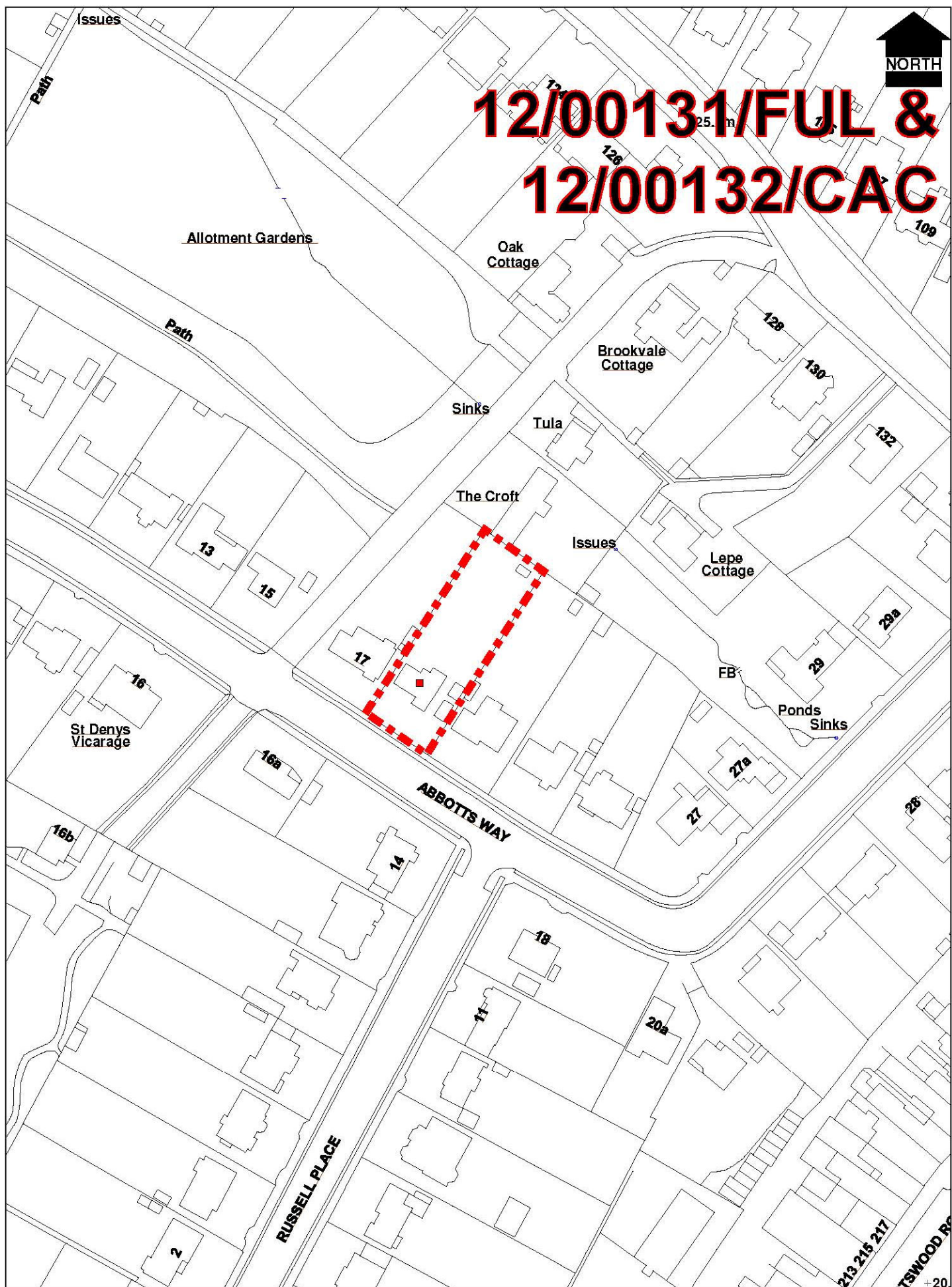
Review 2006 and Policies CS13 (1 and 11) and CS14 of the LDF Core Strategy (January 2010) as well as the relevant policies of the Framework.

17. In allowing the appeal and granting planning permission for the development I have considered the Council's suggested conditions in the light of Circular 11/95 (*The Use of Conditions in Planning Permissions*) and all the circumstances of this case. Apart from the statutory time duration of the permission it is necessary to ensure that the materials used in the development match those of the existing building, in the interests of visual amenity. I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt.
18. To avoid overlooking from the property it is necessary and reasonable to impose a condition preventing the construction of any additional openings in the permitted extension. Finally, in this instance, I agree that a condition should be imposed controlling the hours during which work in connection with the development can be implemented, in the interests of residential amenity.
19. I have considered and taken into account everything else that has been raised in relation to this appeal including all the matters raised by a number of interested parties which include the Trustees of Portswood Residents' Gardens. I have afforded weight in the planning balance to all the points made in opposition to this proposal but nothing overrides my conclusions above and the reasons for them.

David Harmston

Inspector

12/00131/FUL & 12/00132/CAC



Scale : 1:1250

Date :03 October 2012

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